

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

**SHARON DOUSE**

**Plaintiff,**

**v.**

**WALMART,**

**Defendant.**

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**No. 24-cv-2541**

**ORDER**

**AND NOW**, this 9<sup>th</sup> day of August, 2024, upon consideration of Plaintiff Sharon Douse's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Amended Complaint (ECF No. 10), Motion for a Jury Trial (ECF No. 11) and Motion for Response Regarding IFP filed June 10, 2024 (ECF No. 12), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* (ECF No. 1) is **GRANTED** pursuant to 28 U.S.C. § 1915.<sup>1</sup>
2. The Amended Complaint is **DEEMED** filed.
3. The Motion for a Jury Trial (ECF No. 11) is **DENIED as premature**, and the Motion for Response Regarding IFP filed June 10, 2024 (ECF No. 12) is **DENIED as moot**.
4. The Amended Complaint is **DISMISSED IN PART WITHOUT PREJUDICE** for the reasons in the Court's Memorandum, as follows:
  - a. The Title VII, ADEA, and hostile work environment claims pass statutory screening and may proceed to service.

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<sup>1</sup> The Court previously denied Douse's requests for approval to file documents electronically. (*See* ECF No. 8.) Douse may, however, file documents in this case electronically using the Court's Electronic Document Submission (EDS) tool available on the Court's website. EDS is available to all *pro se* litigants with cases in this Court and does not require prior Court approval. *See* <https://www.paed.uscourts.gov/pro-se/pro-se-eds>.

b. The ADA claims are **DISMISSED WITHOUT PREJUDICE**.

5. Douse may file a second amended complaint **within thirty (30) days of the date of this Order** if she can allege additional facts to state plausible ADA claims. Any second amended complaint must identify all defendants in the caption of the second amended complaint in addition to identifying them in the body of the second amended complaint, shall state the basis for Douse's claims against each defendant, and shall bear the title "Second Amended Complaint" and the case number 24-2541. If Douse files a second amended complaint, it must be a complete document that includes all of the bases for Douse's claims, including claims that the Court has not yet dismissed if she seeks to proceed on those claims. **For example, Douse must include in her second amended complaint the allegations supporting her Title VII, ADEA, and hostile work environment claims against Walmart, which have not been dismissed, if Douse seeks to proceed on those claims.** Claims that are not included in the second amended complaint will not be considered part of this case. When drafting her second amended complaint, Douse should be mindful of the Court's reasons for dismissing her ADA claims as explained in the Court's Memorandum. Upon the filing of a second amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

6. The Clerk of Court is **DIRECTED** to send Douse a blank copy of this Court's current standard form to be used by a self-represented litigant filing an employment discrimination action bearing the above-captioned civil action number, 24-2541. Douse may use this form to file her second amended complaint if she chooses to do so.

7. If Douse does not timely file a second amended complaint the Court will direct service of her Amended Complaint on Walmart as to the Title VII, ADEA, and hostile environment claims only, and the ADA claims will be dismissed with prejudice. Douse may also

notify the Court that she seeks to proceed on the Title VII, ADEA, and hostile environment claims only rather than file a second amended complaint. If she files such a notice, Douse is reminded to include the case number for this case, 24-2541.

8. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case if summonses are issued.

**BY THE COURT:**

*/s/ Joseph F. Leeson, Jr.*

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**JOSEPH F. LEESON, JR.**  
**United States District Judge**